Mr. Tony Marro
Managing Editor
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Dear Tony,

I'm glad and I hope you'll be that you were not able to respond sooner because the delay provides a peg I didn't have that is responsive to your obviously correct sentence, "I think the paper needs to focus its investigative resources on major current stories, most of them not yet told by anyone, that impact immediately on the lives of the people who read us." I have in mind your Long Island audience and those your syndication reaches. I'll return to this after a comment about my Watergate offer.

If and when you and Les give this more thought, perhaps you might tighten the focus to the mostly untold E. Howard Hunt story and its ramifications. I do not recall clearly what I told you about this but that can await the future. Of which I wish I could see more for myself. Please just remember that I have all this material separately if in the future you ever want it, when it will be where Les is well known and respected, and be tolerant of an effort to treat the ghastly business lightly that I fear came out smart-alecky. The fact is solid, some of the writing must be atrocious. If and when please also remember that one soufce must remain confidential. I'm reasonably confident it will tie the Mexico City laundry to the CIA and that, if with the passing of time and preservation of records that source is willing, it is there. With Hunt involved and the Mullen Agency.

Everybody's problem today is time and for most the cost of time, particularly with salaries involved. Thanks to simple living and frugality in what I've done I make out on Social Security, with my wife's and scanty reserves. It took an entire month's $S to do what recently I sent to Les. With him and the few others to whom I sent copies, not expecting anything but I confess hoping for it, I included personal letters. As I recall my purpose, it was to focus on something that might be more appealing to the recipient. With the addendum, I recall no letters. This left what would be perceived up to the recipient and his circumstances on receipt. I then had no alternative. Les knows me as still fairly vigorous after serious thrombophlebitis but he's not seen me since the serious and limiting consequences of postoperative emergencies. I stay tired and sped three hours a day in therapy. I can't stand at files and search them and I can handle stairs only a couple of times a day. However, for what I have in mind, much is in my office and the rest, insofar as I have it, is easily retrieved. More of some quite likely is readily available from my lawyer. You and Les both know him, Jim Lesar. You and he used to shat while walking very bright daughters.

As I filed my en banc petition it was personal and personalized. I would like it very much if you and/or Les could reread both parts without regard to me personally. Together with what I'll report below and send in xerox form when it reaches me, the new peg I refer to above.

All the talk about Reagan and the judiciary focuses on the certainty of his making additional Supreme Court appointments and with that remaking the law as we've known it. What everyone misses is the fait accompli, reflected in my decisions and others that are instantly available to you. Most cases never get beyond the appeals courts and most government cases go to the D.C. federal appeals court - his now. And it is engaged, as the traditionalist minority once so widely respected has charged in other en bancs, in tearing up the Constitution and Supreme Court decisions. Even articulating that the latter is its duty and responsibility. Without getting into the papers. Not even the Post.

When the DJ and FBI created the conflict of interest between Jim and me he told me (and was confirmed) that the public interest lawyers are terrified. This is amply reflected in the timid, defensive briefs they filed for Jim and me. The actual situation is that no lawyer could expect his career to survive what I filed. Yet despite the assault on the Reaganites I am not without some hope of success and I do fully expect the minority to make some use of what I filed. Despite the odds, too. This is not necessarily material to the stories I have in mind, and I think there is an inexpensive series that is new and relatively inexpensive if you can bring yourself first to see one and then possibly more.

A simple test is to ask any lawyer with any appeals court knowledge or experience a) to assume the correctness of what I state and b)whether or not it represents a radical change if not, as I see it, a judicial atrocity. The possible precedents, and the DJ and FBI I know will try to use them, I think any experienced lawyer will see and will regard as additional radicalization of the right extreme, not as mere conservatism.

I've had one positive reaction from an old and cherished friend, limited to the new JFK assassination (more its investigation) in the addendum. He'd told me that when he can, in a couple of weeks, if nobody else has done anything with that he will. As of now I have no reason to expect any other expression of interest. I'd rather that for at least the moment you ignore that and later, if he doesn't go ahead, I'll go over it with you.It is new and sensational and it crosses liberal-conservative lines.

I've also had - and this is the peg- another reaction: from FBI/DJ! And it is incredible! They have asked for an en banc of their own - limited to a single footnote in the Shaw decision I cite, the one that the same panel wrote and found the FBI's affiant in it and my case incompetent in Shaw and competent in mine, when his conditions and background were identical in both.

Makes for a tricky legal situation to this nonlawyer because that is also a basis in my prior en banc petition, inconsistencies that cannot be permitted to stand, a solid en banc basis I spotted in the regulations. But there can be a significant difference. If they prevail they will have ended the traditional requirement that a witness know what he testifies to. It has always been a minimum prerequisite that a witness be limited to his first-person knowledge. Their affiant, SA John N. Phillips, neither had nor claimed first-person knowledge. While I've not seen their petition, and because of the overlap they should have sent it to me, and Jim's copy hasn't reached me yet, it is obvious that all they can be demanding is that the appeals court hold that non first-person testimony is acceptable to the courts. Can you begin to see the ramifications and potentials? In all, but particularly in political/minority cases? And please bear in mind that in the Shaw case and mine the FBI did have those who have personal knowledge available. I identified them by name when FBI/DJ made phony "personal" claim to exemption to withhold their names. This then means that they can substitute ignorance under oath for personal knowledge under oath, which they have done in both cases. and gotten away with in mine.

There are other cases, with unpublished minority en banc views, there are other cases (possible third story) of assaults upon lawyers and their compensation under existing law, but there is no case like what they've done to Jim and this can do to any lawyer, made him subject to sanctions whatever he does or does not do.

The potential in ordinary civil litigation boggles my mind, and this can involve major corporations and their prestigious and expensive counsel, givem what this decision holds about alleged "discovery," more so with the government a party.

Just yesterday Reagan boasted, past and future, of the permanent changes, the direct quote in today's WxPost being limited to the future, "in the second [term] we can change history, forever." It is no idle boast and if these things stand he's

done it to the law, justice and rights already. With Meese as AG, well he, too, spoke yesterday, of the "goal," which is to "institutionalize the Reagan revolution."

There remains what has been done to FOIA. The probability is that for practical purposes it has been rewritten, with the Reaganite judiciary usurping the prohibited role of legislature.

There is irony in this because they did that once before, using the presumed unpopularity of the subject, the JFK assassination, and the indecent fabrications about me. They got away with it for a while but for once, as I used to just love to tell the college kids in an otherwise bleak presentation, one determined man, whatever the odds, can make the (unwilling) system work. Congress amended FOIA to (re)open FBI, CIA and other files over me and my persistence, in 1974. If I am not loved for this, they will never forget. So the identical issue is again joined, with the identical parties. Only now I am, perforce, without counsel, older, weaker, much less able, but nonetheless as determined to make the system work.

If this makes me appear to be a throwback, which I may be, or a nut, which I'm not, I provide a simple explanation that to a degree I think you'll find comprehensible: I'm the first of my family to be born where there are no pogroms, and that means much to me. So I welcome any opportunity for any kind of payback I can make. (And thus my assassination work is not whodunit but a major, in-depth examination of how our institutions worked or didn't work at those times of great stress and thereafter.) If your people came from Italy, even under Mussolini there was nothing at all like the pogroms. Only Hitler in modern time exceeded their horror, and terrible as it has been in South Africa, in terms of maimings and murders, the pogroms were worse.

What you and yours might regard as more daring can have a New York peg, the FBI's lying to the NY court in the Dohovan case. Actually, this kind of lying is commonplace and I've documented it, under oath and myself subject to perjury if I erred at all -with them anxious to do something to me. Including this self-same Phillips. While lying is a last resort, the preferred dishonesties are not much different and they, too, predominate in at least the FOIA cases.

I illustrate with a couple of legally basic examples from my petition(s), the blank Hosty search slip when he was, as I'd attested, involved in the greatest scandals that generated many records; and Phillips' attestation that there are no identifiable FBI records on "critics" and that the FBI never had any recording of the Dallas police broadcasts. All material, prerequisite of a perjury charge (that cannot be made because Phillips lacked personal knowledge and is incompetent). The attachments Les has are definitive on Hosty and critics, and I now have a letter from Justice reporting that I'm to get what is referred to as the "original" police broadcast recording. If my belief is correct, that will involve still another major scandal, giving the DJ's panel of experts a dub with cross-talk as the original, and its basing its scientific study and report on the dub, not the original. None of these is an accidental lie because of what I put in the case record and remains undisputed.

Before returning to what your sentence triggered, I want to assure you that if in time we come to any of this new JFK assassination investigation stuff, it will find acceptability among the most conservative of your paper's constituency because it confirms the most conservative of the members of the Warren Commission, Richard B. Russell, who told me "they have not told us all they know about Oswald," as I published years ago, and to his dying day encouraged my inquiry, sometimes in writing.

Perhaps what Les had in mind several years ago and apparently forgot might be the easiest way for you to take a look. He then, when I saw what was coming, had in mind sending someone up from your DC bureau. I am but an hour from that office, less from NW DC and parts of VA. and Md. (Right now Jim is too overloaded to be involved even by phone. He's been getting about 3 hours of sleep a night and just found out

by the accident of a call from the prosecutor that a court had assigned a client to him without notifying him, so he has that, with a close deadline, in addition. He's not yet read what I sent him.

Of course we can go into this by phone, as you suggested, but I felt that to begin with I should take the time to put something on paper for you and Les to be able to think about first. He has copies of what I've filed, I'll send what the government filed in the Shaw case when I get it, and you can mark up the copy you have to ask me any questions.

I can't get to Washington except when I'm driven there, as I am every six weeks for the surgeon to check me over. I'll be back from there this coming Wednesday afternoon. I'm usually back from my daily morning therapy by about 10:30, absent some infrequent errand, and generally I'm home for the rest of the day.

You thought that perhaps I might find someone else interested in following up on Watergate. I don't know of anyone and I'm sure the Post had and accomplished limited objectives and wants to forget everything else.

Hunt, by the way, can involve a local angle for you because one of his CIA covers in New York was the literary agency of Littauer & Wilkinson, Max Wilkinson lived on the Island and had a daughter there to whom he spoke while I was with him. He was Hunt's agent with this difference: he killed a deal I took to him. Hunt used the Littauer & Wilkinson cover address when he was with Mullen in Washington, inventing a non-existent Littauer & Wilkinson address for the cover Mullen address. Thus, when he was still CIA, meaning another Helms perjury that nothing will be done about, and was with Mullen for CIA, he got mail sent him as representing Littauer and Wilkinson just as though mailed him at Mullen, which thus was hidden. He also seems to have had an office in the building that houses your DC bureau or the one next to it, with a military cover, when he was involved in the socalled publishing venture for the CIA that I believe included its nonpublishing operations. Or antipublishing. I'm sure that early on they got a copy of the ms of my first book through Frederick Praeger, but I doubt those at Praeger now would be helpful. A friend of a friend named Mort Puner read it there and went for it personally but he told me that Praeger personally killed it. And Praeger was then CIA, a front at least, an asset but probably not a property....And there was a CIA Littauer Foundation I was never able to check out well so I can't make any connection.

Best wishes,

Harold